

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BOBBY ALLEN GREEN,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-13-601-C
)	
JEFF SMITH, DAVID PRATER,)	
and MEGAN KOENIG,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Suzanne Mitchell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Mitchell entered a Report and Recommendation on August 26, 2014, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In his objection, Plaintiff merely restates the conclusions and legal argument originally asserted, and raises no issue not fully and accurately addressed and rejected by the Magistrate Judge.

Accordingly, the Report and Recommendation is adopted and:

- (1) Plaintiff's motion for extension of time (Dkt. No. 29) is stricken;
- (2) Plaintiff's motion for appointment of counsel (Dkt. No. 31) is denied;
- (3) Defendant Smith's Motion to Dismiss (Dkt. No. 18) is granted to the extent that Plaintiff's claims against Defendant Smith for excessive force, unlawful search and seizure, and false imprisonment are dismissed with prejudice;

- (4) Defendant Prater's Motion to Dismiss (Dkt. No. 16) is granted to the extent that Plaintiff's official capacity claims against Defendant Prater for malicious prosecution are dismissed without prejudice and Plaintiff's individual capacity claims against Defendant Prater for malicious prosecution are dismissed with prejudice; and
- (5) Defendant Koenig's Motion to Dismiss (Dkt. No. 22) is denied.

The case is recommitted to the Magistrate Judge for pretrial scheduling and management.

IT IS SO ORDERED this 19th day of September, 2014.



ROBIN J. CAUTHRON
United States District Judge